

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	8:06CR21
)	
v.)	
)	
EDWARD CLARK,)	ORDER
)	
Defendant.)	
_____)	

This matter is before the Court on defendant's motion to proceed in forma pauperis for his appeal in this case. Filing No. 38. The court will grant this motion. However, the court notes that defendant's counsel, David L. Nich, Jr., is still listed as counsel of record in this case. The court hereby instructs Mr. Nich to (1) formally withdraw as counsel, or (2) to file an appearance as counsel for defendant's appeal in this case. Counsel shall withdraw or enter his appearance on appeal by January 31, 2007.

THEREFORE, IT IS ORDERED that:

1. Defendant's motion to proceed on appeal in forma pauperis, Filing No., 38, is granted;
2. It is further ordered that counsel for defendant, David L. Nich, Jr., shall formally withdraw or shall enter his appearance for the appeal of this case by January 31, 2007.

DATED this 23rd day of January, 2007.

BY THE COURT:

s/Joseph F. Bataillon
JOSEPH F. BATAILLON
United States District Judge